

PELTON & ASSOCIATES PC

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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**DELROY HENRY and ALONSO BANOS,
Individually and on Behalf of All Others
Similarly Situated,**

Plaintiffs,

-against-

**LITTLE MINT, INC. d/b/a DISHES, MINI
MINT, INC. d/b/a DISHES, MOSHE
MALLUL, MAGGIE TALISMAN and
JOHN DOES #1-10, Jointly and Severally,**

Defendants.

ECF Case

12 Civ. 3996 (CM)

**NOTICE OF PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF CLASS SETTLEMENT**

PLEASE TAKE NOTICE that, upon the annexed declaration of Brent E. Pelton, Esq., sworn to April 29, 2014, the exhibits annexed thereto, the declaration of Danielle Behring, the exhibits annexed thereto, the accompanying memorandum of law in support of the Plaintiffs' motion for final approval of the settlement agreement ("Motion for Final Approval"), and all the pleadings and proceedings heretofore had herein, the undersigned moves this Court, before the Hon. Colleen McMahon, United States District Judge, in the United States District Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York 10007, for an Order:

(1) granting final approval of the settlement reached by the parties in this action as embodied in their Settlement Agreement And Release (*See* Exhibit A to Pelton Declaration);

(2) certifying the following New York Class under Federal Rule of Civil Procedure 23 for purposes of effectuating the settlement:

All counter servers, kitchen staff, cashiers, delivery persons and other hourly employees who are or were employed by Dishes at any of the four (4) Dishes locations at any time from May 21, 2006 through September 10, 2013, excluding individuals who previously opted out of the class action;

(3) granting final approval of the FLSA settlement;

(4) granting service awards to the Named Plaintiffs in the amount of \$10,000 each, in recognition of the services they rendered on behalf of the class;

(5) awarding Class Counsel's attorneys' fees of one-third (33.33%) of the Settlement Fund and reimbursement of litigation expenses in the amount of \$3,359.24; and

(6) granting any such other and further relief as the Court may deem just and proper.

For the Court's convenience, attached hereto as **Exhibit 1** please find Plaintiffs' [PROPOSED] ORDER ON PLAINTIFFS' MOTION FOR FINAL APPROVAL OF CLASS SETTLEMENT AND APPROVAL OF CLASS COUNSEL'S FEES AND COSTS.

Dated: New York, New York
April 29, 2014

Respectfully submitted,

PELTON & ASSOCIATES PC

By: /s/Brent E. Pelton
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